

RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENT—TRIALS DE NOVO ON APPEALS FROM RULINGS OF ADMINISTRATIVE AGENCIES

H. J. R. No. 32

Proposing an Amendment to the Constitution of the State of Texas to authorize the Legislature to provide for trial de novo on all appeals to the courts from actions, rulings or decisions of administrative agencies and executive departments of the State of Texas or any of its political subdivisions.

Be it resolved by the Legislature of the State of Texas:

Section 1. That the Constitution of Texas be and same is hereby amended by the addition to Article II of a new Section to be known as Section 2, said new Section 2 to read as follows:

"Section 2. Notwithstanding any other provision of the Constitution, the Legislature shall have the power, by general law, to provide for appeals to the courts from any and all actions, rulings or decisions of administrative agencies and executive departments of the State of Texas or any of its political subdivisions, under such provisions and limitations as the Legislature shall deem necessary and desirable; and the courts of Texas shall have no power or authority to refuse, deny, or change the manner of such appeals, if brought in the manner provided by general law, even though such appeals shall be provided de novo as that term is used in appeals from Justice of the Peace Courts to County Courts; and should the Legislature provide for such appeals to be tried completely de novo and independent of any administrative or executive action, ruling or decision thereon, the courts shall comply with such general law and shall hear and determine such appeals in the manner and under the conditions prescribed by the Legislature, even though such action on the part of the courts involves administrative or executive rather than judicial powers; provided, however, in the absence of legislation enacted subsequent to the adoption of this amendment, all such appeals shall continue to be prosecuted in the manner now provided by law, as interpreted and applied by the Appellate Courts of Texas on the date of the adoption of this amendment, and no change in the manner of such appeals shall be effected except by legislation enacted subsequent to the adoption of this amendment."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State, at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1962, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment granting the Legislature power to provide for trials de novo on all appeals from actions, rulings, or decisions of administrative or executive agencies of government."

"AGAINST the Constitutional Amendment granting the Legislature power to provide for trials de novo on all appeals from actions, rulings, or decisions of administrative or executive agencies of government."

If it appears from the returns of such election that a majority of the votes cast therein are for such amendment, same shall become a part of the Constitution of Texas.

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for such election and this amendment shall

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be published and the election shall be held as required by the Constitution and laws of this State.

Adopted by the House, April 11, 1961: Yeas 132, Nays 11, 1 present not voting; passed the Senate, May 23, 1961: Yeas 23, Nays 5.

Filed without Governor's signature, June 17, 1961.

**PROPOSED CONSTITUTIONAL AMENDMENT—ELECTED AND
APPOINTIVE OFFICERS AND EMPLOYEES—RETIREMENT,
DISABILITY AND DEATH COMPENSATION PROGRAM**

H. J. R. No. 36

Proposing an Amendment to Subsection (b) of Section 62 of Article XVI of the Constitution of the State of Texas so as to authorize for elected and appointive officers and employees, who serve in such capacity for twelve (12) or more years in any county or other political subdivision, a Retirement, Disability and Death Compensation Program.

Be it resolved by the Legislature of the State of Texas:

Section 1. Subsection (b) of Section 62 of Article XVI of the Constitution of the State of Texas is amended to read as follows:

"(b) Each county and any other political subdivision of this State shall have the right and the Legislature may enact appropriate regulatory laws to provide for and administer a Retirement, Disability and Death Compensation Fund for its elected and appointive officers and employees; provided same is authorized by a majority vote of the qualified voters voting in such election of the county or other political subdivision. No person shall qualify for benefits unless he shall have served in such capacity for at least twelve (12) years, except for those persons otherwise qualified prior to the effective date of this Amendment. The amount contributed by the county to such Fund shall equal the amount paid for the same purpose from the income of each such person, and shall not exceed at any time five per centum (5%) of the compensation paid to each such person by the county and State."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors in this State at an election to be held on the first Tuesday after the first Monday in November, 1962, of which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment authorizing retirement, disability, and death benefits for elected and appointive officers and employees of counties and political subdivisions who have served in such capacity for twelve (12) years or more."

"AGAINST the Constitutional Amendment authorizing retirement, disability, and death benefits for elected and appointive officers and employees of counties and political subdivisions who have served in such capacity for twelve (12) years or more."

Sec. 3. Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such legislation shall not be invalid by reason of its anticipatory character.

Sec. 4. The Governor of Texas shall issue the necessary proclamation for the election and the Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

Adopted by the House, May 2, 1961: Yeas 130, Nays 12; passed the Senate, May 25, 1961: Yeas 29, Nays 0.

Filed without Governor's signature, June 17, 1961.